

**JOURNAL OF CONFLICT MANAGEMENT  
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**Journal Review by Mwati Muriithi\***

Published in January 2023, the Journal of Conflict Management and Sustainable Development Volume 10 Issue 1 has continued to grow as a key academic resource in the fields of Conflict Management, Sustainable Development and related fields of knowledge. It focuses on emerging and pertinent areas and challenges in these fields and proposes necessary legal, institutional and policy reforms towards addressing these issues.

It is edited by the ADR Practitioner of the Year 2022, Dr. Kariuki Muigua, Ph.D, who was also awarded: The African Arbitrator of the Year 2022; The Chartered Institute of Arbitrators (CIArb) (Kenya Branch) ADR Lifetime Achievement Award 2021; The ADR Publisher of the Year 2021 and The Law Society of Kenya (LSK) ADR Practitioner of the Year Award 2021.

His book, *Settling Disputes through Arbitration in Kenya, 4th Edition*; Glenwood publishers 2022, was awarded the Publication of the Year Award 2022. He is a member of the National Environment Tribunal which was awarded the best performing Tribunal in Kenya for handling the most cases.

The first article '*Entrenching Biodiversity Impact Assessment in Kenya as a Tool for Enhancing Sustainable Development Agenda*' by Dr. Kariuki Muigua argues that in the most sensitive ecological areas, impact assessments should include biodiversity impact assessment as the most effective tool in safeguarding the biological diversity that may be found within these areas and also enhancing their conservation. The author argues that the ordinary Environmental Impact Assessment may not successfully reflect the real effect of the particular project, policy or programme on the biological diversity.

Dr. Kenneth Wyne Mutuma in his article '*Role of Technology in Climate Change Disputes Resolution*' examines the efficacy of climate change dispute resolution mechanisms within the Kenyan and International framework. The article analyzes climate change and its implications and suggests requisite reforms that are required based on the gaps that have been identified.

*'Repatriating the Violation of Human Rights of Indigenous Communities in Africa: A Review of the African Commission on Human and Peoples' Rights v. Republic of Kenya Application No. 006/2012 (Reparations)'* by Kirui Diana and Kibet Brian captures the law on the protection of indigenous rights not just in Kenya but across the Continent. The paper captures the key issues in the case and the courts' analysis of these issues.

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Aaron Okoth Onyango in his paper, *'Putting Children First: Prioritising Minors in the Application of ADR in Criminal Cases in Kenya'* highlights how the child's best interest requirement can be leveraged in advancing a pro alternative dispute resolution approach in criminal offences. Using landmark criminal cases as a case study, the paper underwrites the new opportunities available in the application of Alternative Dispute Resolution in the dispensing of criminal cases in Kenya's courts.

*'Exploring Heritage Impact Assessment in Kenya'* by Dr. Kariuki Muigua critically discusses the concept of Heritage Impact Assessment (HIA) in Kenya and conceptualizes HIA and its role in the Sustainable Development Agenda. The paper further highlights the legal framework on HIA at both the global and national level. It discusses the extent to which HIA has been embraced in Kenya and challenges thereof. Finally, the paper suggests recommendations towards embracing heritage impact assessment for Sustainable Development in Kenya.

Michael Sang in his paper *'Clarifying the Roles of the Director of Public Prosecutions and the Director of Criminal Investigations in Kenya: A Proposal for Legal Reform'* critically discusses the distinguishing unique roles between the Office of the Director of Public Prosecution and the Directorate of Criminal Investigations while referring to legislative mechanisms and judicial precedents. The paper analyses legislative proposals to address the prevalent conflict between the two offices.

*The Duty to Treat Versus the Right to Refuse Unsafe Work of Healthcare Workers in Kenya: Implications for Public Health Emergencies'* by Dr. Naomi N. Njuguna explores the nature of the duty to treat, its origins and justifications and whether indeed there is a duty to treat among healthcare workers in Kenya. The paper proposes a system of reporting unsafe working conditions that will balance the rights of the healthcare workers and the rights of patients with a view to enhancing the realisation of the right to health in times of a health crisis.

Michael Otieno Okello in his paper *'Effectuating the Doctrine of Eminent Domain: Sustainable Principles for Compulsory Land Acquisition in Kenya'* critically analyzes the doctrine of eminent domain, the controversies that enshroud its prospects and the effect of sustainable principles on right to property.

*'Is Energy Law sufficiently an Academic Discipline? A Review of selected Documents'* by Elim Limlim analyses the resources in Energy Law as well as the Energy Regulatory Framework. It critically discusses the International, Regional and National framework for Energy Regulation.

Md. Harun-Or-Rashid in his paper, *'Evaluation of a Conflict in a learning Environment: Does it always Fetch a Negative Outcome?'* evaluates each stage of an institutional conflict that began as an interpersonal conflict, turned into an external conflict, and was finally settled by exterior intervention followed by a constructive outcome. The paper

provides some background information and stimulates some thought about the life sketch of a conflict occurred in an academic setting and its resolution mechanisms.

Lastly, Mwati Muriithi, in his paper '*Book Review: Attaining Environmental Justice for Posterity, Volume 1 and Volume 2*', comprehensively reviews Dr. Kariuki Muigua's books '*Attaining Environmental Justice for Posterity, Volume 1 and Volume 2* Glenwood Publishers, 2022' which entail a collection of papers on Environmental Justice in Kenya and Africa.